

BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
November 22, 2005

The Board of County Commissioners of Leon County, Florida, met in regular session November 22, 2005 at 3:00 p.m. with Chairman Thaeli presiding.

Present were Commissioners Proctor; Sauls; Winchester; Grippa; Rackleff; and DePuy. Also present were County Attorney Herb Thiele; County Administrator Parwez Alam; Director of Finance Bill Bogan, Jr.; and Secretary Diane F. Norvell.

**Invocation and Pledge of Allegiance**

The Invocation was provided by Reverend James Proctor from Jacksonville, Florida at the invitation of Commissioner DePuy followed by the Pledge of Allegiance to the Flag led by Commissioner DePuy.

**Consent**

**ACTION TAKEN:**

Commissioner Winchester moved, duly seconded by Commissioner Sauls to approve Staff recommendation of the Consent Items. The motion carried unanimously 7-0.

1. Approval of Minutes for April 21, 2005 Joint City/County Special Meeting on Comprehensive Plan and the October 25, 2005 Regular Meeting

The Board approved Option 1: Approve the minutes of the April 25, 2005 Special Joint City/County Meeting and October 25, 2005 Regular Meeting.

2. Approval of Payment of Bills and Vouchers Submitted for Approval for November 22, 2005, and Pre-approval Payment of Bills and Vouchers for the Period November 23 through December 12, 2005

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for November 22, 2005 and pre-approve payment of bills and vouchers for the November 23 through December 12, 2005.

3. Approval of the Usage of Existing Unspent Funds to Cover Operating Shortfalls in Parks and Recreation's FY 04/05 Budget

The Board approved Option 1: Approve the attached budget amendment request allocating \$26,000 from existing unspent funds to cover operating shortfalls in the Parks and Recreation's operating budget.

4. Request to Schedule Board Appointments to the Audit Advisory Committee for Tuesday, December 13, 2005 at 3:00 p.m.

The Board approved Option 1: Schedule appointments to the Audit Advisory Committee for December 13, 2005.

5. Acceptance of the Tourist Development Council FY 05/06 Fourth Quarter Status Report

The Board approved Option 1: Accept the Fourth Quarter, FY2005 Status Report for the Tourist Development Council.

6. Approval of the First Amendment to the County's Combined Health Reimbursement and Dependent Care Assistance Plan Document to Include a "Grace Period" for Medical Expenses in Accordance with Internal Revenue Service Guidelines

The Board approved Option 1: Approve the First Amendment to the County's Combined health Reimbursement and Dependent Care Assistance Plan to include the grace period for medical expenses and dependent care expenses in accordance with IRS Notice 2005-42 and authorize the Chairman to execute.

7. Ratification of Board Actions Taken at the November 8, 2005 Workshop on Innovation Park Including the LCRDA Response to the Consultant's Priority Recommendations

The Board approved Option 1: Ratify the Board actions taken at the November 8, 2005 Workshop in Innovation Park including the LCRDA Response to the Consultant's Priority Recommendations.

8. Approval of Agreement with Apalachee Center, Inc. for Marchman and Baker Act Services

The Board approved Option 1: Approve the Agreement with Apalachee Center, Inc. for Baker Act and Marchman Act services for the period of one year, from October 1, 2005 to September 30, 2006 and authorize the Chairman to execute.

9. Acceptance of One Conservation Easement from Sutor Family Trust

The Board approved Option 1: Approve and accept for recording the one conservation easement from Sutor Family Trust for the Sutor C&D Facility commercial development.

10. Acceptance of One Conservation Easement from Dale and Susan Thompson

The Board approved Option 1: Approve and accept for recording the one conservation easement from Dale and Susan Thompson for the Dale Thompson Limited Partition Subdivision.

11. Acceptance of Three Conservation Easements from Faraway Farm, LLC

The Board approved Option 1: Approve and accept for recording the three conservation easements from Faraway Farm, LLC for the Faraway Farm Limited Partition Subdivision.

12. Acceptance of Four Conservation Easements from St. Joe Land Development Company

The Board approved Option 1: Approve and accept for recording the four conservation easements from St. Joe Development Company for the Walton Corners Subdivision.

13. Approval to Issue a Request for Proposals for Construction Manager At-Risk Services for Phase 1B Renovations to the Leon County Courthouse

The Board approved Option 1: Approve the issuance of a Request for Proposals to recruit a licensed general contractor to provide "Construction Manager At-Risk" services for Phase 1B renovations to the Leon County Courthouse.

14. Authorization to Convert Two Facilities Management Permanent Part-Time Positions to Two Facilities Management Full-Time Positions

The Board approved Option 1: Approve converting the two existing part-time Facilities Operations Technicians to full-time positions.

15. Approval of Project Agreement with the Florida Department of Environmental Protection to Construct Jackson View Park and Approval of the Resolution and Resolution and Associated Budget Amendment Request

The Board approved Options 1 and 2: 1) Approve the Project Agreement with the Florida Department of Environmental Protection to construct the Jackson View Park and authorize the Chairman to execute, and 2) Approve the Resolution and associated Budget Amendment Request.

16. Approval of Resolution Confirming the Solid Waste Tipping Fee rates for Fiscal Year 2005-06

The Board approved Option 1: Adopt the Resolution confirming and readopting solid waste tipping fee rates.

**GENERAL BUSINESS**

17. Consideration of Funding Request for the Sharon Ewing Walker Breast Health Center

County Administrator Alam briefed the Board on this item.

Commissioner Proctor moved, seconded by Commissioner Winchester to approve a \$2,000 donation to the Sharon Ewing Walker Breast Health Center. Motion carried unanimously 7-0.

Commissioner Proctor withdrew his motion to allow Commissioner Winchester to make the motion (since Commissioner Winchester brought this item to the Commission) and amend the amount to a \$5,000 donation.

Commissioner Winchester moved, seconded by Commissioner Proctor to approve a \$5,000 donation to the Sharon Ewing Walker Breast Health Center. Motion carried unanimously 7-0.

- Commissioner Winchester stated he brought this item to the Commission and this donation is monies toward the Digital Mammography Sharon Walker Breast Cancer Center in conjunction with TMH Foundation. The \$400,000 raised by the community, (including Claude Walker and the Langfords), will tremendously impact the early detection of breast cancer. Commissioner Winchester stated this donation is also made in recognition of October as Breast Cancer Month.
- Commissioner Thael stated he is glad to see the Board moving forward on bettering women's healthcare in Leon County.

18. Consideration of Voluntary Annexation of Oak Grove Plantation and Surrounding Parcels

County Administrator Alam reported this item is a voluntary annexation proposal from the City to annex approximately 130 acres. Staff recommends the Board go forward with this.

Commissioner Rackleff moved, seconded by Commissioner DePuy to approve Option 1: Do not object to the City annexation of the proposed voluntary annexation of Oak Grove Plantation and surrounding properties, provided that the County completes the review of the As-Built/Operating Permit for the Oak Grove Plantation parcels. The motion carried 7-0.

- Commissioner Grippa asked Staff who owns this property. Is this property within the Lake Protection of McBride, or any other lakes like Bradfordville and does the development follow stormwater standards.

- Mr. David McDevitt, GEM Services Director stated Bob Campbell owns the property. This is a two phase development. There will be City water and sewer to it. Both phases comply with the lake protection standards.
  - Commissioner Grippa wanted to ensure the property met Lake Jackson protection zone standards. Both County and City Staff assured him the Development would meet the standards.
  - Commissioner Winchester thanked Commissioner Grippa for raising the Lake Jackson lake protection standard issue.
19. Consideration to Schedule First of Two Public Hearings to Adopt an Amendment to Section 10-1429, Conservation Subdivision

- County Attorney Thiele stated this item is on the agenda for Board direction to pursue the advertising for First Public Hearing of an Ordinance Amendment that would allow the County Administrator (or his/her designee) to raise the level of review for certain subdivision site plan review, specifically with regard to the conservation subdivisions. This is in accord with previous direction from the Board. The CAO recommends scheduling the Public Hearings and they will submit this to the usual User Groups and Planning Commission for review.

Commissioner DePuy moved, seconded by Commissioner Grippa to approve Option 2: Approve request to schedule first of two Public Hearings to be held on December 13, 2005.

- Commissioner Rackleff stated he would support this motion.
- County Attorney Thiele stated his office thinks they should go through Staff review of this matter given that it is limited to the conservation subdivisions. The CAO is looking at the other subdivision issues Commissioner Grippa raised recently.

Commissioner Grippa withdrew his second of the motion (since this only deals with conservation subdivisions).

Commissioner Grippa moved to approve Option 3. There was no second.

Commissioner Rackleff seconded Commissioner DePuy's motion.

- Commissioner Winchester stated this item adds more regulatory bureaucracy to the permitting and plan review process. Commissioner Winchester stated conservation neighborhoods and subdivisions are clearly the preeminent type of development desired in Leon County.

Commissioner Winchester moved a substitute motion, seconded by Commissioner Grippa to approve Option 1: Do not approve request to schedule

Public Hearing and direct Staff to review Section 10-1429, Conservation Subdivisions to provide more specific criteria.

- Commissioner Winchester stated he thought the Board had moved toward streamlining these matters however this item would increase the number of quasi-judicial hearings and these hearings had, in the past lasted seven to eight hours.
- Commissioner DePuy stated he did not realize the scope of this matter until Commissioner Winchester pointed it out. Commissioner DePuy stated his motion was to try *not* to delay the permitting process and that he now thinks Option 1 is the proper motion and thanked Commissioner Winchester for what he pointed out.
- Commissioner Rackleff noted the County has a problem with conservation subdivision regulations, as they are now, that enable a level of density increase that is startling. For example the Pine Dove Subdivision has much greater density than it should. Commissioner Rackleff stated approval of this motion would further delay a problem that needs the Board's attention now.
- County Attorney Thiele suggested the Board's best course of action would be to not raise the level of review to the Commission and subject the Board to the kind of quasi-judicial hearings the DRC and the Special Masters conduct. County Attorney Thiele recommended the his office be instructed to look at how the density calculations are made for portions of the tract that are not otherwise buildable. Rather than an acre per acre credit, the CAO suggests looking at a modified version that will give a lesser density credit for otherwise unbuildable property. County Attorney Thiele stated this matter should be addressed in the regulatory measure rather than in the level of review.

Commissioner Rackleff asked the maker of the motion if the above-stated could be included in the motion.

More board discussion ensued.

Commissioner Winchester moved, seconded by Commissioner Grippa to approve an amended motion of Option 1: Do not approve request to schedule Public Hearing and direct Staff to review Section 10-1429, Conservation Subdivisions to provide more specific criteria and include the County Attorney's recommendation. The motion carried 7-0.

*Reorganization Ceremony*

*The Ceremony commenced at 4:00 p.m.*

Invocation

Pastor Brant S. Copeland, First Presbyterian Church of Tallahassee provided the Invocation.

National Anthem

The National Anthem was performed by Ms. Pat Moses, FAMU High.

Presentation of Annual Report to Board of County Commissioners

County Administrator Parwez Alam presented the 2005 Annual Report. County Administrator Alam congratulated Staff for the excellent job they did in preparing the report. Copies were distributed.

Outgoing Remarks

Commissioner Thael

2004/2005 Chairman

Commissioner Thael expressed his gratitude to everyone for attending. He acknowledged special thanks to Mayor John Marks, City Commissioners Lightsey; Katz; Mustian; City Manager Anita Favors; and Sheriff Campbell for attending. Commissioner Thael thanked everyone for allowing him to serve as their Chairman and named some of the accomplishments the Leon County Board of Commissioners made during his year as Chairman.

- Progress was made toward resolving issues surrounding:

- fire services
- solid waste
- water and sewer
- parks and recreation
- stormwater management

By working *together* many of the above named issues were resolved along with the Killlearn Lakes sewage crisis to the benefit of all. Commissioner Thael stated he believed the County had entered a new era of collaboration with their colleagues in City government he hopes will continue.

In the past year the Board addressed Seminars on:

- The Comp Plan
- Blueprint 2000
- Economic Development

- Water Quality
- Community Centers
- Animal Control
- Women's Healthcare
- Summerfield
- Fallschase

Commissioner Thaeli was pleased to see the Commission 'get the public's attention' this year; since 'we serve them'. He stated he was humbled to have served the County Board as Chairman during a dynamic and educational year.

**Presentation to Commissioner Thaeli from Board made by Vice Chairman Commissioner Proctor**

Commissioner Proctor expressed the Board's appreciation for all the sacrifices Chairman Thaeli made as Chairman including the extra meetings, extra time at the courthouse, extra events he attended. Commissioner Proctor thanked Commissioner Thaeli for sacrificing so much time away from his family and business.

Chairman Proctor thanked Commissioner Thaeli for being such a good Chairman and presented him with a plaque from the Board. Commissioner Proctor then presented Commissioner Thaeli with his ten year service pin.

**Honorable John Marks, Mayor City of Tallahassee**

Mayor Marks stated he has had the pleasure of working with three different Chairperson's now and thanked Commissioners Grippa, Sauls, and Thaeli. Mayor Marks reported it was due to the spirit of cooperation he enjoyed while working with Commissioner Thaeli that so many accomplishments were achieved on behalf of the citizens of this community. Mayor Marks stated he truly appreciates this spirit of cooperation and knows the citizens do also. Mayor Marks acknowledged the City and the County will not always agree but they can 'agree to disagree amicably'.

On behalf of the entire City Commission, the Mayor looks forward to working with the newly elected Chairman Proctor in the same spirit of cooperation he enjoyed last year with Commissioner Thaeli.

**Election for Reorganization**

Chairman Thaeli passed the gavel to the Clerk of the Court for Leon County, Mr. Bob Inzer to conduct the elections for the 2005/2006 Chairman and Vice-Chairman.

Clerk of the Court, Leon County Mr. Bob Inzer:

Mr. Inzer expressed it was his honor to conduct the election of the 2005/2006 Chairman and Vice-Chairman of the Leon County Board of Commissioners.

Mr. Inzer called for nominations for Chairman:

Commissioner Grippa moved the nomination of Commissioner Proctor for Chairman, seconded by Commissioner Winchester. The motion carried 7-0.

Mr. Inzer called for nominations for Vice-Chairman:

Commissioner Winchester moved the nomination of Commissioner DePuy for Vice-Chairman, seconded by Commissioner Rackleff. The motion carried 7-0.

Administration of the Oath of Office: by Magistrate Kathy Garner

Magistrate Kathy Garner administered the Oath of Office to Chairman Proctor.

New Chairman Remarks:

Chairman Proctor stated he was elated to receive the confidence reposed in him by the Board and that he comes to this position humbly. Chairman Proctor thanked his parents for giving him the foundation to develop multiple skill sets to function competently, vibrantly and courageously in a variety of arenas. Chairman Proctor thanked his wife Cynthia, and his children Jordan, Haley, and Aaron for their unconditional love and support. Chairman Proctor paid tribute to his recently deceased mother-in-law Ethel Kimble for being an outstanding matriarch who gave endless love to his family that cannot be replaced.

Chairman Proctor voiced that he looked forward to executing his new role to the level of his abilities and wants the Commission to believe they can advance Leon County and 'raise the bar' of service delivery with their collective efforts. He has been respectful, loyal and collegial to each Chairman who served prior to him. He has accepted the duties assigned to him. The new Chairman conveyed that it has been his honor to serve each Chairperson and the Board. Chairman Proctor stated he hasn't agreed with all votes, but has accepted at all times all majority decisions. Chairman Bill Proctor wants to be remembered as 'a potent catalyst for change and betterment'. Chairman Proctor outlined his vision of the Board's direction for 2005/2006:

- 1) Emergency Management Preparedness – the aftermath of Hurricane Katrina and current frequency of hurricanes compels us to recognize

emergency preparedness as the number one priority for our community and surrounding coastal communities.

- Need to make the communication compatibility between area, emergency and law enforcement agencies
- Reconcile differences over radios/headquarters
- Fiscal adjustments may be necessary – however this fiscal responsibility should be bourn by others also
- Everyone must come to terms with the dictates of Florida statutes – delegating emergency management authority into the hands of the County
- Leon County will fully comply with this mandate supporting the leadership efforts of the Sheriff and the County

Chairman Proctor reported the Board conducted a series meetings in their districts last year. He asked for the Board's support of the next proposed aspect of his vision.

- 2) Hold a public Board Meeting - one on each campus of TCC, FAMU, and FSU in 2006. There are 58,000 college students whose growing economic contribution to Leon County is substantial.

Chairman Proctor reported his is well aware of the Commissioners' desire to eliminate the .12 MSTU ad valorem tax for indigent healthcare. A recent study by MGT of America revealed a lot of medical needs the Board was not aware of. The issue staring the Board in the face is 'what are we going to do'.

- 3) Requesting the Board's commitment to select a blue ribbon citizen's panel to review and recommend a proposal for November's ballot called Healthcare Remediation. This group would inform the Board of the amount that would purge the .12 ad valorem burden now troubling property owners exclusively.
- 4) Consider an agreement to enter into a sister-county agreement with the Prince George County in Maryland that would focus on economic development and education. In terms of African American communities Prince George County has become the wealthiest county in the nation with the average household income being \$98,000. The measures taken to revive, revitalize and energize their economy warrants a closer look.
- 5) Partner with the School Board and area agencies and institutions of higher learning to host a college day and vocational fair for area high school students.
- 6) School Feeding Program – Hurricane Katrina gave a face to poverty. However, there is a 'face' and 'location' of poverty right here in Tallahassee. Chairman Proctor wants to join with Superintendent Montford to provide school children food in the afternoon giving them

dinners before they go home since many of them do not have another meal once they leave school. Superintendent Montford indicated to Chairman Proctor that he is ready to address this matter when Leon County is ready.

- 7) Economic regionalism – enlists the Board's support to commence talks with area counties, and Chambers of Commerce to expedite intentional interplay of resources that may prove mutually beneficial to our economies. This could be a great effort if processed through the Tourist Development Council and new Office of Economic Affairs.
- 8) W/MBE Office - Wants the County to take a new look at the W/MBE (Women/Minority Business Enterprises) Office. Expand this office and platform it as an economic development corporation.
- 9) Affordable Housing – very concerned whether citizens of Leon County can afford to live here. Concerned about the gentrification of Tallahassee's urban core neighborhoods. Soon working class citizens won't be able to afford to live in the County. How can working class families afford to live in Tallahassee as the price of utilities, land, gas and all essentials exceed everyone's income level.

Stated the Commissioners may look like they don't like each other but they actually love each other.

**Closing Prayer and Benediction**

**Reverend Doctor James Proctor was invited by Chairman Proctor to deliver the closing prayer and benediction.**

**BOARD RECESSED FOR RECEPTION AT 5:00 p.m.**

**SCHEDULED PUBLIC HEARINGS 6:00 P.M.**

20. First and Only TEFRA Public Hearing and Adopt a Resolution Approving the Conduit Financing Request of the Leon County Research and Development Authority on Behalf of Danfoss Turbocor Compressors, Inc.

County Attorney Thiele explained that as part of the Internal Revenue Code the County is required to conduct a public hearing called a TEFRA Hearing with regard to financial transactions by your independent and dependant entities. County Attorney Thiele reported there is a proposed bond transaction to be done by the Leon County Research and Development Authority (LCRDA) that would be issuing bonds on behalf of the Danfoss Turbocorps Corp. for the project at the LCRDA Innovation Park. County Attorney Thiele stated because of issues that have arisen with regard to the need for a TEFRA Hearing - which are only required if it is a tax exempt obligation - and due to other questions arising with regard to financial information Staff and the LCRDA recommend to approve Option 1 to continue this Public Hearing to the December 13, 2005 Commission Meeting.

Commissioner Sauls moved, seconded by Commissioner Thael to approve Option 1: Continue the first and only TEFRA Public Hearing to December 13, 2005 at 6:00 p.m.

- Commissioner Grippa asked if anyone from the EDC was present. Commissioner Grippa stated the Board has discovered the entity that would be leasing with the County has no assets and refuse to have their parent corporation back them up. Commissioner Grippa stated he would not move forward with Danfoss until they submit a valid, audited financial statement.

Commissioner Grippa moved a substitute motion, seconded by Commissioner Winchester to approve Option 3: Conduct the first and only TEFRA Public Hearing and do not adopt the Resolution. The motion carried 7-0.

More Board discussion ensued.

21. Second and Final Public Hearing on the Chapter 163, Florida Statutes, Development Agreement for Fallschase

County Attorney Herb Thiele stated he recommend continuing this matter to another Public Hearing because the final documents negotiated between AIG Baker and Staff and citizen groups have yet to be reviewed by Staff to give recommendations nor have they been received by the Board for consideration. As a matter of due process this item should not be considered at this meeting.

Speakers:

Ron Carlson, Executive Vice President, AIG Baker requested one more continuance prior to voting this matter up or down. Has had a number of meetings with the Buck Lake communities, the Weems communities, other interested citizens groups, Staff on numerous occasions. Their consultants have worked tirelessly putting together a 163 Agreement and the related exhibits he believes the Board can approve at the next meeting. Mr. Carlson highlighted the changes the Board has not seen:

- Commercial Space – reduced from 850,000 sq ft to 750,000 sq ft
- Office Space – reduced from 50,000 sq ft to 35,000 sq ft
- All house pads will be moved above the 51 ft contour with the exception of the two 'fingers'. Will bring the roads, the driveways and the garages up to the 51 ft elevation and the house will be built generally on the 46 ft elevation on pilings and/or stilts where the lowest level of the 'living elevation' of the home is at 54 ft which complies with County regulations.
- Will require all homeowners to sign the County waiver on the flood.
- Houses will not be built within the floodplain.
- Pointed to two stormwater ponds that would be wet detention ponds that will be heavily landscaped. These will be amenities. Conforming to Staff's preferred method of detention.
- Other ponds shown will have be given a preference toward wet detention predicated on soils conditions and amount of property available.

AIG has held numerous discussions regarding: landscaping, buffering, lighting in the commercial areas, stormwater plans. Mr. Carlson is very pleased to announce he thinks they finally have a meeting of the minds that for a project of this magnitude may be unprecedented.

Mr. Carlos Alvarez, Buck Lake Alliance thanked Mr. Carlson and AIG Baker for negotiating with them. They are now in agreement in principle on the substantive matters. Has no doubt that on Monday the Board will have a document that shows an agreement between the Buck Lake Alliance and AIG Baker regarding this Development. Recognized John Dew, President of Buck Lake Alliance – Jerry Miller, John Corbin – Save our Gateway, Zoka Lekowski, Jim Wells, and Leroy Peck for the work they have done. The donation of the Lake will be the crowning piece for the Lake Lafayette Greenway that will stretch 6 miles. There will be impacts like traffic the community will have to take on; but, the community also deserves the benefit of the greenway and the lake bed remaining in its natural state.

Mr. Jim Wells, Weems Plantation Homeowners Association stated everything that the Association asked for has basically been addressed.

- Commissioner Rackleff called for a point of order. Commissioner Rackleff stated he didn't want this to become a mini public hearing with citizens who want to speak on these matters unable to.

Commissioner Winchester moved, seconded by Commissioner Thael to continue the 2<sup>nd</sup> and Final Public Hearing on the Chapter 163 Florida Statutes Agreement for Fallschase to December 6, 2005 at 6:00 p.m. The motion carried 7-0.

- Commissioner Winchester thanked Commissioner Proctor for his hard work toward getting all parties involved to this point of agreement. Commissioner Winchester commended Mr. Carlson for reaching an agreement with all the neighborhood associations and welcomed AIG Baker to Leon County.
- County Administrator Alam pointed out Commissioner Proctor involved the County Administrator from day one and created an atmosphere where Staff could openly and honestly express their true views without fear of offending anyone. County Administrator Alam wanted to publicly acknowledge the way Commissioner Proctor involved Staff in this decision and thank him.
- Commissioner Grippa commended Commissioner Proctor for doing a terrific job in an open process. Commissioner Grippa stated Commissioner Rackleff asked a lot of tough questions, and in so doing made the process better whether he supports the project or not ultimately. Commissioner Grippa wanted to give credit to AIG Baker, and Mr. Lamar Bailey. Commissioner Grippa requested the CAO ensure the County is indemnified for defense costs and hold harm lists and asked if there is an opportunity to use the 200 acres the County is buying. Commissioner Grippa asked if the County can use the land for a greenway trails as a natural passive park. Commissioner Grippa pointed out this is a public lake and hopes the residents of the entire community can enjoy its natural features.
- Commissioner Winchester also asked the CAO to bring the Board pros and cons about the conservation easement and whether this land would be under public ownership or would it include a conservation overlay. Commissioner Winchester requested the factual information be returned to the Board.
- Commissioner Thael echoed the previous comments and appreciated the collaborative efforts made during this process and stated it bodes well for future development in Leon County. Commissioner Thael asked the CAO if for any reason AIG did not close on this property with Mr. Bailey would the rights attained by this Developer for the 163 Agreement revert to Mr. Bailey, and under this Agreement would Mr. Bailey be required to convey the ownership of the lake bottom to the County.
- Commissioner Rackleff stated he looked forward to the Special Meeting and to seeing a Draft of the Agreement since so far, all he has had our drafts of revised agreements. Commissioner Rackleff urged the Agreement be distributed as soon as it arrives.
- Commissioner Proctor expressed his complete satisfaction with the negotiations involving – AIG Baker, Mr. Alvarez, and Mr. Wells. Commissioner Proctor asked the County Attorney since AIG Baker is downsizing what prevents the Board from voting on this matter now.
- County Attorney Thiele stated if it was merely a reduction in the overall density

without any modifications to the site that would have been possible. However, there are attachment and language changes.

- Commissioner Proctor stated the CAO has forwarded a memorandum outlining costs asking the Developer for \$106,000 worth of attorney fees and asked the Board to consider waiving these fees in as much as the County has received a 242 acre lake from the Developer.

ADD ON:

22. Continuation of Consideration of Voluntary Annexation and Contraction of Welaunee Plantation

County Attorney Thiele reported this item is for consideration of the Board's approval or not of the Welaunee remainder of the tow annexation. The Board directed this matter be taken to the Mayor/Chair meeting. The Mayor requested the matter be put on the Board's agenda again since this matter is on the City Commission's agenda tonight. The City needs to have the annexation for the transmission line or the deal with Welaunee will not go through. County Attorney Thiele stated as far as the County's involvement it will go through if they do the contraction – meet Chapter 171 whether the Board wishes to not approve of the annexation is a Board determination.

- Commissioner Thael informed the Board he received two e-mails from Mayor Marks requesting the County Commissioners address this issue tonight. It is very important to the City and the Mayor has requested this item be passed without delay to support the City's direction.
- Commissioner Grippa stated interestingly he received a phone call from the City Manager stating the City would not be addressing this item tonight because there were issues as related to the overall Powerhouse Agreement still being negotiated. Commissioner Grippa stated he is not supporting this annexation for several reasons: 1) How they are going to run the transmission line into Tallahassee from the Taylor County coal plant 2) Tri-Basin Committee has requested a stormwater study several times; but has yet to receive one 3) Powerhouse and the City negotiations – have removed the County completely from the negotiations. Commissioner Grippa also has concerns re: traffic concurrency; who pays for the roads involved; how are we going to save Wakulla Springs and Lake Lafayette.

Commissioner Grippa moved, seconded by Commissioner Proctor to approve Option 2: Object to the annexation and contraction of Welaunee Plantation, Phase III and initiate mediation procedures required by the Comprehensive Plan. The motion carried 4-2, with Commissioners Rackleff and Thael opposed, and Commissioner Winchester out of chambers.

- Commissioner Proctor questioned why certain properties across Welaunee have power lines buried and others have them above ground while citizens have

expressed concerns over animal life, and the safety of children. Commissioner Proctor stated the City has not given the County any clarity on the sewer issue regarding Welaunee. Commissioner Proctor indicated waste should be treated where it is created and not transferred across town, also the spray field travels to the south side eventually going into Wakulla Springs.

- County Attorney Thiele pointed out the County is a third party beneficiary of the transmission line.
- Commissioner Rackleff wanted the Board to keep in mind that annexations increase the number of people who receive urban services and pay urban taxes rather than the people who receive urban services and pay real taxes. Commissioner Rackleff is going to vote against the motion.
- Commissioner Grippa questioned the differences between the City and County standards as it relates to stormwater draining directly into the Lake Lafayette Basin.

More Board discussion ensued.

- Commissioner Thaeil pointed out, for the record, every home that goes on sewer their sewage goes for treatment at the sewage treatment plant and the effluent is sprayed at the spray field.

### **Citizens to be Hard on Non-Agendaed Items (6-minute limit)**

#### **Speaker:**

Mr. Delmas Barber wanted to impress upon the Commissioners to show more patience with each other. He is becoming embarrassed to hear this Commission is the 'best free show on television' and hears citizens talk as though the Commissioners don't like each other. Hopes that as the Board reorganizes, the Commissioners also 'reorganize' their patience for one another, their attitudes toward one another, because people don't think the Commissioners like each other.

### **Discussion Items by Commissioners**

#### **Commissioner Thaeil**

Neglected to ask at the last meeting for an agenda item regarding a funding request brought by the Rosa Parks Memorial Committee.

Commissioner Winchester moved, seconded by Commissioner Proctor to waive the rules to consider a funding request. The motion carried 7-0.

This is a \$1,500 funding request for the placement of a plaque for the Rosa Parks Memorial.

Commissioner Thaeil moved, seconded by Commissioner Winchester to approve funding request of \$1,500 for the Rosa Parks Memorial. The motion carried 7-0.

### **Discussion Items By Commissioners**

#### **Commissioner Winchester**

Congratulated Commissioner Proctor on his new leadership role. Also wanted to report his dad was in serious condition when he left the last Board Meeting; but he is very happy to report his dad is doing better today and appreciates everyone's concerns.

#### **Commissioner Thaeil**

Offered his congratulations to Commissioner Proctor and Commissioner DePuy for offering their leadership and pledged his cooperation and collaboration.

#### **Commissioner Sauls**

Offered her congratulations to Commissioner Proctor and Commissioner DePuy. She looks forward to a good year and knows with their leadership they will have a good year.

#### **Commissioner Grippa**

Offered his congratulations to Commissioner Proctor. District One is now represented in the Chair. Leon County is represented as well with Commissioner Proctor in the Chair. Congratulated Commissioner DePuy also and knows he will do a fine job as well. Congratulated:

- Ben Pingree – Five years of Service
- David McDevitt – Fifteen years of Service
- Tony Park – Twenty-five years of Service
- Linda Summerlin – Twenty-five years of Service
- Randy Rhoney – Thirty years of Service
- Dale Walker – Thirty years of Service
- Herb Thiele – Fifteen years of Service – unprecedented
- Commissioner Thaeil – Ten years of Service

Asked the County Administrator where we are on the Hurley Booth matter. Does the Board need to take any action on getting permits. Ben Wilkinson – Do we need to take a vote to hire an agent.

#### **Commissioner Rackleff**

Congratulated Commissioners Proctor and Depuy. Looks forward to working with them.

#### **Commissioner DePuy**

Congratulated Commissioner Proctor as the new Chairman and looks forward to being his 'right hand man' and being his back-up and filling in. Also honored and humbled by the

opportunity to serve as the Vice-Chairman and thanks everyone for their support and takes his election very seriously. Regarding the Board's Annual Retreat – Would like to go to an inexpensive facility like the Wakulla Lodge, or the Seminole Reservation where the City had their recent retreat to make it a more relaxed environment.

Commissioner DePuy moved, seconded by Commissioner Winchester to hold the Board's Annual Retreat this year at the Wakulla Lodge. Motion carried 7-0.

Commissioner Thaeil stated if the Board provides accessibility to the Meeting there should be no issue regarding transportation.

**Commissioner Proctor**

- Requested a Resolution honoring Charles "Skip" Cook who resigned from the Code Enforcement Board.
- Request to send condolences to Mr. Ervin Donaldson an employee whose mother recently passed away.

**There being no further business to come before the Board, the meeting adjourned at 7:15 p.m.**

**The next Board of County Commissioners Meeting is scheduled for  
Tuesday, December 13, 2005 at 3:00 p.m.**

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Bill Proctor  
Chairman

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Bob Inzer